IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.08.2006

Coram

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice S.MANIKUMAR

H.C.P.No.527 of 2006

M.Panaiyadian .. Petitioner

Vs.

1.The District Collector and
District Magistrate,
Tiruchirapalli District.

2.The Secretary to Government,
Prohibition and Excise Department,
Fort St. George, Chennai.

3.The Inspector of Police,
Lalgudi Circle. .. Respondents

Petition filed under Article 226 of The Constitution of Indi praying to issue a writ of habeas corpus, directing the respondent t produce the body of the detenue viz., Vijayalakshmi, wife of Panaiyadia before this Court who is now detained in Special Prison for Women Trichy, in pursuant to the detention order passed by the firs respondent in Cr.M.P.No.44 of 2006 dated 24.04.2006 to call for th records and quash the same and set the detenue at liberty.

For Petitioner .. Mr.N.Mohideen Basha
For Respondents .. Mr.M.Babu Muthumeeran,
Addl. Public Prosecutor

O R D E R

(Order of the Court was made by P.SATHASIVAM, J.)

The petitioner, who is the husband of the detenue, by nam Vijayalakshmi, who is detained as a ''Boot-legger" as contemplate under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders Slum Grabbers and Video Pirates Act, 1982 (Tamil Nadu Act 14 of 1982) by the impugned detention order dated 24.04.2006, challenges the same i this Petition.

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2. Heard the learned counsel for the petitioner as well as th learned Additional Public Prosecutor for the respondents.

3. At the foremost, learned counsel for the petitioner submits tha the detention order was passed on 24.04.2006, a representation was sen to the detaining authority on 28.04.2006 which was received by him o 02.05.2006. However, the same was not considered by him. Hence, th detention order is liable to be interfered.

4. With regard to the said contention, the Distric Collector/District Magistrate, Tiruchirapalli in his counter affidavit particularly in para 4, has stated that the representation date 28.04.2006 was examined with reference to the materials available an rejected in his office ref.No.Cr.M.P.No.44/2006 (D3) dated 03.05.200 and the order was served on the detenue and to the petitioner o 04.05.2006. In view of the said information, the said contention i liable to be rejected.

5. Learned counsel for the petitioner further submitted that th copy of the telegram said to have been sent to the father of the detenu regarding her arrest was not supplied to the detenue. It is not i dispute that the arrest memo which is available at page 43 of th booklet supplied to the detenue shows that the detenue was arrested a 14 hours on 17.03.2006 and her arrest was intimated to her father b name Subramanian through a telegram. Inasmuch as her arrest wa intimated to one of her family members, which is not in dispute, we ar of the view that production of a copy of the telegram is not warranted When the arrest of the detenue was intimated to one of the famil members within the prescribed period, there cannot be any furthe complaint. Accordingly, we are unable to accept the said contention.

6. Learned counsel for the petitioner further submitted that a cop of the complaint was not furnished to the detenue.

7. Learned Additional Public Prosecutor brought to our notice tha the complaint given by one Sukumar extracted in the first informatio report, which is available at page 34 to 36 and a copy of the same ha been furnished to the detenue. A perusal of the relevant materials sho that all the details regarding the complaint have been furnished to th detenue along with the grounds of detention. Hence, there is no force i the claim made by the petitioner.

8. Finally, learned counsel for the petitioner submitted that th documents which are available at page 44 and 45 are not legible an readable. We verified those documents. No doubt, it appears to b blurred. However, the relevant and required details are readable an available in those documents. In such circumstances, in the absence o any prejudice shown by the detenue, the detention order cannot b faulted with.

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9. In the light of what is stated above, we do not find any vali ground for interference. Consequently, the Habeas Corpus Petition fail and the same is dismissed.

mmi

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1.The Secretary to Government,
Dept. of Prohibition and Excise,
Fort St. George, Chennai.

2.The District Magistrate and District
Collector, Tiruchirappalli.

3.The Inspector of Police,
Lalgudi Circle.

4.The Superintendent,
Special Prison for Women, Tiruchirappalli.
(in duplicate for communication to the detenue)

5. The Joint Secretary to Government, Public (Law and Order)
Fort St. George, Chennai-9.

6.The Public Prosecutor,
High Court, Madras.

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